

Revised 03/06 WDNY

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF NEW YORK

14CV0178A  
FORM TO BE USED IN FILING A COMPLAINT  
UNDER THE CIVIL RIGHTS ACT, 42 U.S.C. § 1983  
(Prisoner Complaint Form)

All material filed in this Court is now available via the INTERNET. See Pro Se Privacy Notice for further information.

1. CAPTION OF ACTION

A. Full Name And Prisoner Number of Plaintiff: **NOTE:** If more than one plaintiff files this action and seeks in forma pauperis status, each plaintiff must submit an in forma pauperis application and a signed Authorization; the only plaintiff to be considered will be the plaintiff who filed an application and Authorization.

1. John W. Harris, 13 B 0140

2. \_\_\_\_\_

-VS-

B. Full Name(s) of Defendant(s) **NOTE:** Pursuant to Fed.R.Civ.P. 10(a), the names of all parties must appear in the caption. The court may not consider a claim against anyone not identified in this section as a defendant. If you have more than six defendants, you may continue this section on another sheet of paper if you indicate below that you have done so.

1. Hon. Kenneth F. Case, Judge

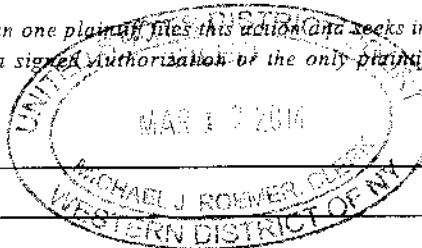
4. \_\_\_\_\_

2. Peter J. Marche, Asst. D.A.

5. \_\_\_\_\_

3. Ronald Ammerman, Police Officer

6. \_\_\_\_\_



2. STATEMENT OF JURISDICTION

This is a civil action seeking relief and/or damages to defend and protect the rights guaranteed by the Constitution of the United States. This action is brought pursuant to 42 U.S.C. § 1983. The Court has jurisdiction over the action pursuant to 28 U.S.C. §§ 1331, 1343(3) and (4), and 2201.

3. PARTIES TO THIS ACTION

PLAINTIFF'S INFORMATION **NOTE:** To list additional plaintiffs, use this format on another sheet of paper.

Name and Prisoner Number of Plaintiff: John W. Harris, 13 B 0140

Present Place of Confinement & Address: Mid-State Corr. Facility, P.O. Box 2500

Marcy, New York 13403

Name and Prisoner Number of Plaintiff: \_\_\_\_\_

Present Place of Confinement & Address: \_\_\_\_\_

**DEFENDANT'S INFORMATION NOTE:** To provide information about more defendants than there is room for here, use this format on another sheet of paper.

Name of Defendant: Hon. Kenneth F. Case, Judge

Erie County Court Judge

(If applicable) Official Position of Defendant:

(If applicable) Defendant is Sued in  Individual and/or  Official Capacity

Address of Defendant: 25 Delaware, avenue, Part # 10, first floor

Buffalo, New York 14202-3903

Peter J. Marche, Asst. D.A.

Name of Defendant: Peter J. Marche, Asst. D.A.

Erie County District Attorney Office

(If applicable) Official Position of Defendant:

(If applicable) Defendant is Sued in  Individual and/or  Official Capacity

Address of Defendant: 25 Delaware, avenue

Buffalo, New York 14202-3903

Ronald Ammerman, Buffalo Police Officer

Name of Defendant: Ronald Ammerman, Buffalo Police Officer

(If applicable) Official Position of Defendant: Police Officer

(If applicable) Defendant is Sued in  Individual and/or  Official Capacity

Address of Defendant: Sub-Station, 13 Bailey avenue

Buffalo, New York 14206

#### 4. PREVIOUS LAWSUITS IN STATE AND FEDERAL COURT

A. Have you begun any other lawsuits in state or federal court dealing with the same facts involved in this action?  
Yes  No

If Yes, complete the next section. NOTE: If you have brought more than one lawsuit dealing with the same facts as this action, use this format to describe the other action(s) on another sheet of paper.

1. Name(s) of the parties to this other lawsuit:

Plaintiff(s): John W. Harris

Defendant(s): Hon. Kenneth K. Case, Judge, Peter J. Marche, Asst. D.A.

Ronald Ammerman, Police Officer

2. Court (if federal court, name the district; if state court, name the county): Western District Court  
Buffalo, New York.

3. Docket or Index Number: 1:12-cv-01044-RJA-HKS., 1:12-cv-01170-RJA-HBS., 1:12-cv-01080-RJA-HKS.

4. Name of Judge to whom case was assigned: Honor Richard J. Arcara

5. The approximate date the action was filed: Oct 25th, 2012, Nov 1st, 2012, Nov 20th, 2012  
6. What was the disposition of the case?

Is it still pending? Yes  No  **By Law and Statute, Hon. Arcara, have not make anykind of a Decision on it.**

If not, give the approximate date it was resolved. \_\_\_\_\_

Disposition (check the statements which apply):

Dismissed (check the box which indicates why it was dismissed):

- By court *sua sponte* as frivolous, malicious or for failing to state a claim upon which relief can be granted;  
 By court for failure to exhaust administrative remedies;  
 By court for failure to prosecute, pay filing fee or otherwise respond to a court order;  
 By court due to your voluntary withdrawal of claim;  
 Judgment upon motion or after trial entered for  
 plaintiff  
 defendant.

B. Have you begun **any other lawsuits in federal court which relate to your imprisonment?**

Yes  No

If Yes, complete the next section. NOTE: If you have brought more than one other lawsuit dealing with your imprisonment, use this same format to describe the other action(s) on another sheet of paper.

1. Name(s) of the parties to this other lawsuit:

Plaintiff(s): John W. Harris

Defendant(s): Hon. Kenneth F. Case, Judge, Peter J. Marche, Asst.  
D.A., Ronald Ammerman, Police Officer

2. District Court: Northern District Court

3. Docket Number: 6:13-cv-01491-TJM-ATB.

4. Name of District or Magistrate Judge to whom case was assigned: Hon. Thomas J. McAvoy

5. The approximate date the action was filed: December 5th, 2013

6. What was the disposition of the case?

Is it still pending? Yes  No  **No Decision have been make**

If not, give the approximate date it was resolved. \_\_\_\_\_

Disposition (check the statements which apply):

Dismissed (check the box which indicates why it was dismissed):

- By court *sua sponte* as frivolous, malicious or for failing to state a claim upon which relief can be granted;
- By court for failure to exhaust administrative remedies;
- By court for failure to prosecute, pay filing fee or otherwise respond to a court order;
- By court due to your voluntary withdrawal of claim;

Judgment upon motion or after trial entered for

- plaintiff
- defendant.

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#### 5. STATEMENT OF CLAIM

For your information, the following is a list of some of the most frequently raised grounds for relief in proceedings under 42 U.S.C. § 1983. (This list does not include all possible claims.)

- |                              |                                |                                  |
|------------------------------|--------------------------------|----------------------------------|
| • Religion                   | • Access to the Courts         | (• <u>Search &amp; Seizure</u> ) |
| • Free Speech                | (• <u>False Arrest</u> )       | • Malicious Prosecution          |
| (• <u>Due Process</u> )      | • Excessive Force              | • Denial of Medical Treatment    |
| (• <u>Equal Protection</u> ) | (• <u>Failure to Protect</u> ) | • Right to Counsel               |

Please note that it is not enough to just list the ground(s) for your action. You **must** include a statement of the facts which you believe support each of your claims. In other words, tell the story of what happened to you but do not use legal jargon.

Fed.R.Civ.P. 8(a) states that a pleading must contain "a short and plain statement of the claim showing that the pleader is entitled to relief." "The function of pleadings under the Federal Rules is to give fair notice of the claim asserted. Fair notice is that which will enable the adverse party to answer and prepare for trial, allow the application of res judicata, and identify the nature of the case so it may be assigned the proper form of trial." Simmons v. Abruzzo, 49 F.3d 83, 86 (2d Cir. 1995). Fed.R.Civ.P. 10(b) states that "[a]ll averments of claim ... shall be made in numbered paragraphs, the contents of each of which shall be limited as far as practicable to a single set of circumstances."

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#### Exhaustion of Administrative Remedies

Note that according to 42 U.S.C. § 1997e(a), "[n]o action shall be brought with respect to prison conditions under section 1983 of this title, or any other Federal law, by a person or confined in any jail, prison, or other correctional facility until such administrative remedies as are available are exhausted."

You must provide information about the extent of your efforts to grieve, appeal, or otherwise exhaust your administrative remedies, and you must attach copies of any decisions or other documents which indicate that you have exhausted your remedies for each claim you assert in this action.

" NEW CAUSE OF ACTION "

FIRST CLAIM

On or about, November 21st, 2011, the above-named-Plaintiff, at a term of the Erie County Grand Jury Proceeding upon the Criminal Charge (s) of Criminal Possession of a weapon in the second degree two (2) count (s) was taken to the Grand Jury, for the (PURPOSE) of having an "TRUE-BILL" (Indictment) to be handed-up against said above-Named-Plaintiff.

Upon said proceeding the above-named-defendant a **Buffalo Police Officer**, People first witness to take the witness-stand cause himself to **Lie (Perjury)** himself to the Grand Jury, in doing so did cause **Malintent**.

**Question**, was ask by the above-named-defendant **Asst. D.A. Q.** I'm going to show you what's been marked Grand Jury Exhibit #1, do you recognize that ?, page #6. of the Grand Jury Proceeding, enclosed as **Exhibit #A**:

A. Yes, that is John Harris, whose brith date is 7/27/1949, I FOUND THAT OUT BECAUSE HE HAD A PREVIOUS CONVICTION FOR A GUN, **Exhibit #A**, page #6.

Q. I'll instruct you, the Previous Record of the Defendant in this case is relevant as it Relates to one of the charges, **Exhibit #A**, page #6 and #7.

In so doing the **Asst. D.A.**, did in **Fact, Misleading** the Grand Jury member's into believing that the above-named-Plaintiff, have been "**Previous Convicted for a Gun**". The **Asst. D.A.**, with the knowledge and **Under a Duty must present the Evidence** without making **Prejudicial Statement or Misleading the Grand Jury**.

Both of the above-named-defendant, the **Officer**, and the **Asst. D.A.**, had review as well having a copy of the Plaintiff, **N.Y.S. Criminal History Information**, dated: August 8th, 2011, before taking the case to the Erie County Grand Jury, whereas it is stated as

follow: **Total Conviction: FIREARM "0", None.** enclosed **Exhibit #B**, upon having this information on hand as well within hand, both above-named-defendant, did **Willingfully, Knowingly, Injury, Injustice violated** the above-named-Plaintiff, **Civil Rights, Constitutional, Statutory.**

The Constitutional basis for this claim under 42 U.S.C.1983, is:  
In violation of Plaintiff, amend's #5, #8, #13, and #14th.

The relief I am seeking for this claim is: For the above-named-defendant, each to pay the Plaintiff, the sum of \$20 Million dollars, for **Pain, Suffering, Punitive Damages, Deprives of Legal Rights.**

Exhaustion of Your Administrative Remedies for this Claim:

Did you grieve or appeal this claim? **No.**

Did you appeal that decision? **No.**

If you did not exhaust your administrative remedies, state why you did not do so: This claim is dealing with violation's, of **Civil Rights, Constitutional and Statutory.**

SECOND CLAIM

On or about, August 1st, 14th, and 29th, 2012, Erie County Supreme Court Judge, Kenneth F. Case, C.C.J.

On or about, August 1st, 2012, Plaintiff's, Attorney submitted an New Motion to Dismiss the Indictment on the ground of it being "Defected", "Tainted", "Prejudice", FOUND ON FALSE TESTIMONY, Statement. The above-named-defendant, had Refuse To Up-Hold-Justice, and To See That It Was "DONE", after taking the "OATH" To Do So.

On or about, August 1st, 2012, the Issue/Argument, was raise to dismiss the "Tainted Indictment, under the Fact that the

**Police Officer, Lie and Perjury Himself** at the Grand Jury Proceeding held November 21st, 2011. Plaintiff, and his Attorney was given a **Reserve decision** come back on August 14th, 2012.

On or about, August 7nd, Plaintiff, mail-out a copy of the **Grand Jury minutes, page #6, and #7**, also a copy of the **N.Y.S. Criminal History Information**, with the **Cover-Letter**. In this way the above-named-defendant, could **Reach** his decision that much **Easily** to dismiss the "**Tainted Indictment**". Enclosed **Exhibit #A and #B**.

Also find enclosed a copy of the **Cover-Letter**, dated: August 7nd, 2012, and Notary to the above-named-defendant, **Exhibit #C**.

On or about, August 14th, 2012, once again Plaintiff and his Attorney was given a **Reserve decision** come back on August 29th, 2012.

On or about, August 29th, 2012, Plaintiff and his, Attorney received another **Reserve decision** that we would receive the above-named-defendant, decision within or around 24 hours. Also a day was set to start picking a Jury for Trial, November 26th, 2012.

On or about, November 26th, 2012, the start of the Jury Trial did start, but Plaintiff, did **Refuse to Participate** in a **Trial** that was **Illegal** and within violation of the Plaintiff, **DUE-PROCESS OF Laws, #5, and #14th amend's**. Also the **Fact** that the **Trial Court** did not have the "**JURISDICTION**" to hold a **Trial** against the Plaintiff.

On or about, November 27nd, 2012, the People witness the above-named-defendant, **Police Officer**, took the witness-stand and took the **OATH** to tell the **Truth** Once again as he did infornt of the Grand Jury Proceeding, November 21st, 2011, and did **Lie and Perjury himself**.

**Question**, to him from the defense Attorney, **page #269, Trial minutess.**

Q. All right. Do you recall telling the Grand Jury in your answer which appears at the bottom of page #6: Yes, that is John Harris whose birthday is 7-27-49. I FOUND THAT OUT BECAUSE HE HAD A PREVIOUS CONVICTION FOR A GUN, unquote ?

A. Yes, sir. I do recall saying that and now know that that is not completely the case. I ran his FRAP. I did know his birth date from running his FRAP. I knew that he had been arrested for assault first and second. and I believe through our conversations he led me to believe it was a gun, and it's my understanding now that it was stabbing.

Q. Is it "FAIR" to say you made a "FALSE STATEMENT" to the Grand Jury ?

A. It's "FAIR" to say that I made an Incorrect Statement, By no means was it done with any malintent. enclosed Exhibit #D, page 269, Trial minutes, November 27nd, 2012.

WHO EVER HEARD OF A "FAIR LIE ?, A lie is a Lie no matter the subject, and it isn't "FAIR".

Also before the People witness took the witness-stand, defense Attorney, did ask and state to the Court that he and his client still stand on the Issue and Argument that the Tainted Indictment to be dismiss.

On or about, September 9th, 2013, upon the sentencing day Plaintiff, did argue his Pro se Motion C.P.L 330.30, To set aside the verdict, and the Court not having the "JURISDICTION", to have held anykind of a Trial against the Plaintiff, under the Tainted Indictment no: 01761-2011. But as this Honorable Court can see Plaintiff is Illegal Confine since August 8th, 2011.

The Constitutional basis for this claim under 42 U.S.C.1983, is:  
In violatin of Plaintiff, amend's #5, #8, #13, and #14th.

The relief I am seeking for this claim is: For the above-named-

defendant, all of them to pay to the Plaintiff, the sum of \$20 Million dollars, for the **Pain, Suffering, Punitive Damages, Derives of Legal Rights.**

**Exhaustion of Your Administrative Remedies for this Claim:**

Did you grieve or appeal this claim? **No.**

Did you appeal that decision? **No.**

If you did not exhaust your administrative remedies, state why you did not do so: This claim is dealing with violation's, of **Civil Rights, Constitutional and Statutory.**

**Relief Sought**

First and wherefore the **THREE (3)** above-named-defendant (s) are **Not Entitled to Immunity when Acting Inconcert to Corruption and Conspiracy to Deprive A Person of Rights that are Guarantee by the Constitutional or Statutory.**

**Even President Richard M. Nixon, wasn't above the LAWS of this Great Nation.**

For the **Illegal Indictment** to be dismiss, and Plaintiff release from this **Illegal Incarceration** so to return home to Love-one's. For all charge (s) within the allege crime to be remove from the Plaintiff, State and Federal Criminal Records.

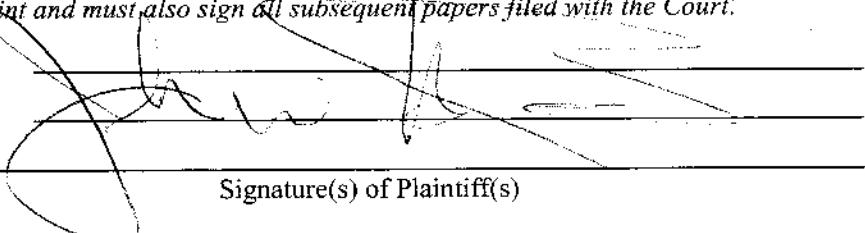
**For all of the above to be Granted in the Interest of Justice.**

Do you want a jury trial? **No.**

I declare under penalty of perjury that the foregoing is true and correct.

Executed on March 1st, 2014  
(date)

NOTE: *Each plaintiff must sign this complaint and must also sign all subsequent papers filed with the Court.*

  
Signature(s) of Plaintiff(s)

AFFIDAVIT OF SERVICE BY MAIL

STATE OF NEW YORK )  
                      )ss.:  
COUNTY ONEIDA     )

John W. Harris, being duly sworn deposes and says:  
That I have this 7th day of March, 2014, deposited  
in a mail box provided for inmates outgoing mail which is regularly  
maintained by the Department of Corrections and Community Super-  
vision at Mid-State Correctional Facility, Marcy, New York , and  
served the following:

(1) Complaint under the Civil Rights Act 42 U.S.C 1983, (1) Cover-  
Sheet Civil, (1) Motion to Proceed in Forma Pauperis and Supporting  
Affirmation, (1) Authorization Prisoner's Civil Action Filing Fee:  
Exhibit #A, Grand Jury minutes, page's #6 and #7, Exhibit #B,N.Y.S.  
Criminal History Information, Exhibit #D Trial minutes, page #269,  
Exhibit #E, Cover-Letter, and Plaintiff Cover-Letter.

TO:  
United States Court  
Clerk of Court  
U.S. Courthouse  
Two Niagara Square  
Buffalo, New York 14202

SWORN TO BEFORE ME THIS  
7th DAY OF March 2014

Kenneth Phillip III  
NOTARY PUBLIC

NELSON KENNETH PHILLIP III  
Notary Public - State of New York  
No. 01NE6266681  
Qualified in Oneida County  
My Commission Expires 5/20/16

Respectfully Submitted,

Mid-State Correctional Facility  
P.O. Box 2500  
Marcy, New York 13403

## Exhibit A

RONALD AMMERMAN (Copy)

Grand Jury, November 21, 1974.

X1 clink and he spun around and I tackled him.

2 Q. At the time he was going through the former  
3 residence, the back of that area, was he still on the bike?4 A. "He bailed off the bike." He took the bike  
5 through the majority of the yard, what used to be the yard.6 Q. Before or after observing him making the  
7 throwing motion?

8 A. Before."

9 Q. And so he was on foot when he made the  
10 throwing motion?

11 A. Yes.

12 Q. Did you observe anything in his hand? (Down)

13 A. No.

14 Q. What did you observe after he made the  
15 throwing motion?16 A. After he made the throwing motion, I heard a  
17 metal on metal clink.

18 Q. What did you do then?

19 A. He turned back towards me, in my opinion  
20 because he thought he had nothing to get caught with, and I  
21 tackled him instantly.22 Q. I'm going to show you what's been marked  
23 Picture of ME Grand Jury Exhibit 1, do you recognize that? Exhibit 124 A. Yes, that is John Harris, whose birth date is  
25 7/27/1949. I found that out because he had a previous

RONALD AMMERMAN

conviction for a gun.

with this one he prejudices the  
Grand Jury proceeding

Q. I'll instruct you, the previous record of the defendant in this case is relevant as it relates to one of the charges. You're not to consider it as character evidence for the defendant or propensity evidence. It's merely for the charge that I'll be giving you at the end of this case.

You indicated that John Harris is the name of the man you ran into on August 8th, 2011?

10 A. Yes, it is.

Q. And that was at approximately 2 o'clock in  
the morning?

13 A. Correct.

14 Q. Okay. Once the defendant, once you caught  
15 the defendant in that rear yard area, what did you do with  
16 him?

17 A. He asked why he was under arrest. I  
18 explained that he was the person that was described menaced  
19 with the gun and he was under arrest for that.

Q. How did he respond to your comment?

21 A. That he didn't have a gun. We, after  
22 searching the yard for quite a while, he spontaneous.  
23 stated that he has a gun but that's not the one.

24 Q. Okay. When the defendant said that, where  
25 was he when he made that statement to you?

95 MILLS ST, BUFFALO, NY  
 27 NAVEL ST, BUFFALO, NY  
 212 BOX ST, BUFFALO, NY  
 27 NAVEL AVENUE, BUFFALO, NY 14211  
 27 NAVEL ST, BUFFALO, NY 14211  
 543 RILEY ST, BUFFALO, NY  
 381 SWAN ST, BUFFALO, NY  
 503 SHERMAN, BUFFALO, NY  
 79 KREITNER, BUFFALO, NY  
 86 GLENWOOD, BUFFALO, NY

*Aug 8/8/2011  
 Exhibit = B1 ~~copy~~  
 Ex-A*

Sex:	Race:	Ethnicity:	Skin Tone:
Male	Black	Not Hispanic/Unknown	Medium/Dark Brown/Dark
Eye Color:	Hair Color:	Height:	Weight:
Brown	Gray	6' 00"	150

SSN: [REDACTED] 078-42-4822 078-40-2222 078-42-4422  
 NYSID#: 03486029M FBI#: 414362K11 NCIC Classification: PO1614POPOPOPOPOPOPI

III status: Criminal record in NYS only

DEFENDANT'S EXHIBIT  
 A - RD  
 1/9/13 LCC

Alien Number: Country of Deportation:

Country of Citizenship: Deportation Date:  
 USA

US Citizen:

*The Indictment is not a "True Bill"*

### ● Summary Information

*Dismiss it in the name of Justice*

Name: JOHN W HARRIS Total Arrests: 10  
 Date of Earliest Arrest: September 15, 1972 Date of Last Arrest: August 08, 2011

*Justice*

Total Arrests Charges:	21
Felony:	10
Violent Felony:	7
Firearm:	2
Misdemeanor:	11
Other:	0

Total Convictions:	7
Felony:	3
Violent Felony:	2
Firearm:	0
Misdemeanor:	2
Other:	2
YO Adjudication(s):	0

Total Open Charges:	7
Felony Open Charges:	3
Open Misdemeanor(s):	3
Other Open Charges:	1

*What now? Police have been told to the Grand Jury, is Justice call for now? or will it be over look?*

*Agrin?*

Warrant Information:	
Failure to Appear Counts:	0
Open Warrants:	0

Revocation Counts:	
Probation:	0
Parole:	2

Miscellaneous:	
Escape Charges:	0
Sex Offender Convictions:	0

### ● NYS Criminal History Information

■ Cycle 14 ■  
 Violent Felony Offense

Ammerman - Cross - LoVallo

269

1 A. Yes, sir.

**Exhibit F D**2 Q. All right. Do you recall telling the grand jury in  
3 your answer which appears at the bottom of page 6: Yes, that  
4 is John Harris whose birthday is 7-27-49. I found that out  
5 because he had a previous conviction for a gun, unquote?6 A. Yes, sir. I do recall saying that and now know that  
7 that is not completely the case. I ran his FRAP. I did know  
8 his birth date from running his FRAP. I knew that he had been  
9 arrested for assault first and second. And I believe through  
10 our conversations he led me to believe it was a gun, and it's  
11 my understanding now that it was stabbing.12 Q. Is it fair to say you made a false statement to the  
13 grand jury?14 A. It's fair to say that I made an incorrect statement.  
15 By no means was it done with any malintent.16 MR. LO VALLO: Your Honor, may I move for a  
17 admission into evidence Defendant's Exhibit A marked for  
18 identification?19 MR. MARCHE: Judge, I think I have to object to  
20 the admission of the grand jury testimony as a small  
21 portion was just used to impeach this witness and  
22 documents used solely for impeachment purposes are not  
23 admissible at the trial.24 MR. LO VALLO: Your Honor, I actually addressed  
25 this witness both with respect to the ownership by Mr.

**ERIE COUNTY CORRECTIONAL FACILITY**

11581 Walden Avenue Alden, NY 14004

RECEIVED  
ERIE COUNTY CORRECTIONAL FACILITY  
AUGUST 17 2012  
14004

j/copy  
Dated: 8/17/2012

Mr. John W. Harris  
ICN# 7403

Ind no: 01761-2011

Hon. Kenneth F. Case J.C.C.

Exhibit C

Pmt #10, First Floor

25 Delaware Ave.

Buffalo, New York 14202-3903

Dear Hon. Case J.C.C.

Please find enclosed A copy of my Criminal History Form, page 3 of 17; dated: 8/8/2011.

The same is being mail out to my Attorney Timothy R. Lovello And The Asst. DA. on my case Mr. Peter Marche.

The page "list Total of Convictions: FIREARMS: NONE", making Officer Ronald Ammerman, to the Grand Jury Nov 21<sup>ST</sup> 2011, as it is Stated: on Page #6, to 7: I Found that out BECAUSE he had A PREVIOUS Conviction For a Gun, A Right-out-lie, where fore he Prejudice the members of the Grand Jury mind.

Once Again, I will say the Indictment is that and nothing else but ILLEGAL, And once AGAIN, I will wait on your Ruling within this "Serious matter" now Aug 14<sup>TH</sup>, 2012, in Court.

I have given you argument before about the Indictment being that of ILLEGAL and

(OVER)

**ERIE COUNTY CORRECTIONAL FACILITY**11581 Walden Avenue Alden, NY 14004  
*(COP)*here I am once again.

1.) First the matter about the Agreement of my waiving my right to C.P.L. 190.80, so that DNA-Testing could be done "Neg," I go Home, but Mr. Marache, took it as his own to take it to the Grand Jury.

2.) I Argue the fact of The Transcripts of the Proceeding of Sept 14<sup>th</sup>, 2011, being "Fraud, Forge," where for you do not read what the Hon. John L. Michalski, is Availing me of my Rights upon my waiving my right to C.P.L. 190.80, and by law he is required to do so. I am not a fool to waive a Right given to me by law, And also not going to get something out of it come on I am 63 year old man, with Criminal, Civil, Executive Law knowledge.

3.) Now you, Officer Ronald Ammerman, "Lying" to the Grand Jury under OATH to tell the Truth, "He Did NOT" I Always send copy to my Family for keep safe.

Dated: 8/7/2012

Sworn to before me on  
This 7<sup>th</sup> day of  
August, 2012

④ I Almost forgot  
About the Immunity  
issue claim.

Carl L. Caine  
Notary Public

Notary Public State Of NY  
Qualified in Erie County  
My Commission Expires

3/30/14

Dated: March 2nd 2014.

Mr. John W. Harris, esq.  
13 B 0140  
Mid-State Corr. Facility  
P.O. Box 2500  
Marcy, New York 13403

United States District Court  
Clerk of Court  
U.S. Courthouse  
Two Niagara Square  
Buffalo, New York 14202

Re: Harris v. Case, 1:12-cv-01044-RJA-HKS.  
Harris v. Ammerman, 1:12-cv-01170-RJA-HBS.  
Harris v. Marche, 1:12-cv-01080-RJA-HKS.

Dear Hon. Clerk of Court

Please find enclosed my **New Cause of Action** to the above **THREE (3)** Complaint's under the **Civil Rights Act 42 U.S.C. 1983**. Since the filing of the above Action, which is still "Pending by Laws and Statutes wherefore the Honorable Richard J. Arcara, and the Two (2) Magistrate Judge's, who have the Consent to make a Ruling upon in the Absence or Inability of the Honor Arcara, Have Not Make Anykind Of ORDER of DECISION, as to this day.

I ask this Honorable Court to join this **New Cause of Action**, with the above Action that is still "**PENDING**" within this Honorable Court. Also since the filing of the above Action, I have received all of the **Transcipte (minutes)** and other **Document's** of all Plaintiff's, Proceeding under the "**Tainted Indictment**" no: **People v. John W. Harris, 01761-2011**. Also my Family have the same for my safed, and all other document's as well.

No other District Judge nor Magistrate Judge's, had the **Powers and Duties nor that of the Authority to make anykind of Order or Decision upon the Honor. Arcara, Docket's (case's), nor any other Magistrate Judge's, who did Not have the Consent sign by the**

Plaintiff, for them to do so. Wherefore the THREE (3) above Complaint's Docket's (case's) are still "Pending By The Laws and Statutes of this Great Nation, See also **Stump v. Sparkman**, cite as 435 U.S. 349, 355, 98 S.ct 1099 (U.S. ind. 1978), and **Mc Bryde v. U.S.**, cite as 299 F.3d 1357 (C.A. F.3d 2002).

The Stakes for the Nation are High. When a Judge's cases are "TRANSFERRED" in Order to Change the RESULT, such ACTION "THEATEN", the Public's Right to an Independent Judiciary.

See, **Mc Bryde v. U.S.** it is stated: The Fifth Circuit issued the Writ, Holding that NEITHER Chief Judge Buchmeyer nor the Judicial Council "POSSESSED THE POWER TO "TRANSFER CASE'S, FROM A DISTRICT COURT JUDGE". As stated above all THREE (3) Docket's (case's) are Still Pending by Laws and Statutes,

I declare under penlty of perjury that the foregoing is true and correct.

Executed on Mar 2nd, 2014.

Respectfully yours

John W. Harris, esq.

13 B 0140

cc: jwh.

Harris Family.

P.S. Please send me Form's for one (1) Defendant, 42 U.S.C.& 1983.